

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 21, 2003

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Marks and Commissioner Davis. Also in attendance were Superintendent Davis, Industry Liaison Okey and Executive Secretary Webb.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the January 7, 2003 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the January 21, 2003 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

RR71-02356 CH MCCLOUD CORP. – Hearing Judge Webb stated this was a recommended approval by the St. Joseph County Local Board and an upholding of that approval by the Commission. Remonstrators filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge, Daniel M. Steiner, now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Marks moved to uphold the Hearing Judge's recommendation to approve the transfer permit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR45-19284 DÉJÀ VU SHOWGIRLS OF HAMMOND, INC. – Hearing Judge Webb stated this was a recommended denial by the Lake County Local Board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge, J. C. Buehler, now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the recommendation of the Hearing Judge and deny the permit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Two hundred ninety-five (295) renewals approved, thirty-eight (38) new and/or transfer permits approved, twelve (12) permits conditionally approved, fourteen (14) permits approved for first year escrow, five (5) permits approved for second year escrow and one (1) permit approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR82-01413 SIDROE ENTERPRISES, LTD. – Vice Chairperson Glass noted the Commission voted to uphold the recommendation for denial of this permit by the local board at the January 7, 2003 meeting, based on the fact that the permittee's property taxes were not paid. The Commission received notification from the Treasurer's office that the taxes are now paid.

Vice Chairperson Glass moved to approve this renewal. Chairperson DePrez stated that this is statutorily the way the Commission is to handle this situation. Motion seconded by Commissioner Davis and it was unanimously approved.

RR50-20073 AND RR50-20074 JOETTE J. SURRISI - Vice Chairperson Glass noted this is new type 103 permit and a new type 210-1 permit with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permits. Motion seconded by Commissioner Marks and it was unanimously approved.

DL83-20099 SUELOU, INC. – Vice Chairperson Glass noted this is a new type 217 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

RR49-09345 FOXWORTHY'S, INC. – Commissioner Marks moved to reactivate this permit, due to the fact that the permittee was not made aware of the inactivation and also because the permittee was already approved by the Commission to place the permit in escrow and file transfer papers. Motion seconded by Commissioner Davis and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No appeals filed.

OLD BUSINESS

No Old Business.

NEW BUSINESS

MUSCULAR DYSTROPHY ASSOCIATION – The Muscular Dystrophy Association is requesting permission to serve donated alcoholic beverages at their 8th Annual Auction.

CHAMP CAMP – Champ Camp is requesting permission to serve donated alcoholic beverages at their Sneakers Ball.

INDIANA PORK PRODUCERS ASSOCIATION TASTE OF ELEGANCE – Indiana Pork Producers Association is requesting permission to serve donated alcoholic beverages at their Taste of Elegance event.

AMERICAN HEART ASSOCIATION ANNUAL HEART GALA – American Heart Association is requesting permission to serve donated alcoholic beverages at their Annual Heart Gala.

AMERICAN HEART ASSOCIATION WINE TASTING – American Heart Association is requesting permission to hold a wine tasting.

FISCHOFF NATIONAL CHAMBER MUSIC ASSOCIATION – Fischoff National Chamber Music Association is requesting permission to serve donated alcoholic beverages at their Chamber Music Competition.

MONTESORI CHILDREN'S SCHOOLHOUSE – Montessori Children's Schoolhouse is requesting permission to serve donated alcoholic beverages at their Night of Indulgence.

CROSSROADS REHABILITATION CENTER – Crossroads Rehabilitation Center is requesting permission to serve donated alcoholic beverages at their 2003 Bingo Bonanza.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR02-18643 DAL, INC. – Chairperson DePrez stated the location of this type 209 permit was annexed into the city limits of Fort Wayne on January 1, 2003. The permittee is requesting this permit be converted to a type 210 permit. Chairperson DePrez felt the Commission should vote on whether the conversion can be made pursuant to statute.

Chairperson DePrez moved to deny the request to convert. Motion seconded by Vice Chairperson Glass.

Attorney Joe Quill appeared representing the permittee. Mr. Quill stated that because this permittee purchased and operated this permit prior to this statute, the statute should not apply and previous Commission policy should be used, which would allow the Commission to convert this permit and the permit could be transferred to any location inside the city limits.

Chairperson DePrez stated that this matter would be tabled at this time, so the Commission can consider this information.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

JOHN DUGAN – Chairperson DePrez stated the Commission is in the process of setting a date in the near future to vote in this matter.

ANNOUNCEMENTS

No announcements.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2003.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER